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12/20/1999

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 10**  
1200 Sixth Avenue  
Seattle, Washington 98101

December 20, 1999

Reply To  
Attn Of: ORC-158

Lois Schiffer  
Assistant Attorney General  
Environment and Natural Resources  
Division  
U.S. Department of Justice  
P.O. Box 7611  
Washington, D.C. 20044-7611

Attn: Joel Gross, Chief, Environmental Enforcement  
Section

Re: CERCLA Consent Decree for Union Pacific Railroad  
Wallace-Mullan Branch Response Actions and  
Natural Resource Damages

Dear Mr. Gross:

The enclosed Consent Decree, pursuant to Sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act, requires the Union Pacific Railroad to implement a number of response actions and to pay response costs and natural resource damages associated with releases of hazardous substances from and within the Wallace-Mullan Branch railroad right-of-way across northern Idaho.

Response actions to be implemented pursuant to this Consent Decree were selected by EPA in coordination with the State of Idaho, Coeur d'Alene Tribe, and federal natural resource trustees. The response actions included select removal of contaminated materials from the railroad right-of-way, removal of rails and tracks from the railbed, and capping of the railbed with asphalt. The asphalt will create a barrier to underlying contaminants, while also providing for a recreational trail. The recreational trail, to be completed within two years, will be maintained by the State and Tribe, pursuant to the federal Rails-To-Trails Act, with funding in perpetuity by Union Pacific. Specific elements of Union Pacific's obligations under this Consent Decree are identified in the enclosed Litigation Report and Ten-Point Settlement Analysis, with design details provided in the Statement of Work and multiple attachments thereto.

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Negotiation of this Consent Decree transpired over a period of three years by counsel for Union Pacific Railroad, the State of Idaho, Coeur d'Alene Tribe, and the U.S. Department of Justice. EPA recommends that the Department of Justice move promptly for lodging of this Consent Decree.

Sincerely,

A handwritten signature in blue ink that reads "Chuck".

Chuck Clarke  
Regional Administrator

cc: Steve Herman

THE UNDERSIGNED PARTIES enter into this Consent Decree in the matter of United States of America and State of Idaho v. Union Pacific Railroad Company and Coeur d'Alene Tribe v. Union Pacific Railroad Company.

Date: 12/20/99

Chuck Clarke  
CHUCK CLARKE  
Regional Administrator  
U.S. Environmental Protection Agency, Region 10  
1200 Sixth Avenue  
Seattle, WA 98101

Date: 12/20/99

Clifford J. Villa  
CLIFFORD J. VILLA  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 10  
1200 Sixth Avenue  
Seattle, WA 98101

Date: \_\_\_\_\_

\_\_\_\_\_  
STEVEN A. HERMAN  
Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
Washington, D.C. 20460